REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE:

March 24, 2015

ANALYST:

Jill Sugarman/Nataliya Ioffe

I. COMMITTEE:

Espaillat for Congress

C00518365

Rafael Lantigua, Treasurer (1/31/14 - present) Seny Taveras, Treasurer (4/6/12 - 1/30/14)

210 Sherman Avenue, Suite B

New York, NY 10034

II. RELEVANT STATUTES:

52 U.S.C. 30116(a)

formerly 2 U.S.C. § 441a(a) 11 CFR § 103.3(b)(3)

11 CFR § 110.1(b)

III. BACKGROUND:

Excessive, Prohibited and Other Impermissible Contributions: Failure to Refund, Redesignate, or Reattribute Excessive and Other Impermissible Contributions within the Permissible Timeframe

Espaillat for Congress ("the Committee") received excessive contributions totaling \$15,790.00 for the 2014 Primary Election from six (6) individuals during the 2013-2014 election cycle. The Committee did not timely remedy these excessive contributions (Attachment 2). In addition, the Committee received 2014 General Election contributions from twelve (12) individuals that were not refunded or redesignated within the permissible timeframe from the date Adriano Espaillat ("the Candidate") lost the 2014 Primary Election. These contributions totaled \$22,550.00, as disclosed on the 2014 April Quarterly and 12 Day Pre-Primary Reports (Attachment 3).

¹ The Primary election for New York's 13th Congressional District was held on June 24, 2014.

A. Failure to Refund, Redesignate, or Reattribute Excessive Contributions

2014 April Quarterly Report

During the 2014 April Quarterly reporting period, the Committee received excessive contributions totaling \$12,100.00 from four (4) individuals that were not redesignated, reattributed, or refunded within the permissible timeframe (Attachment 2).

On April 15, 2014, the Committee filed the 2014 April Quarterly Report covering the period from January 1, 2014 through March 31, 2014 (Image 14960749102). This report disclosed apparently excessive contributions totaling \$16,000.00 from six (6) individuals.

On June 20, 2014, a Request for Additional Information (RFAI) was sent to the Committee referencing the 2014 April Quarterly Report. Among other issues, the RFAI noted the Committee's receipt of excessive contributions and requested that the Committee take corrective action (Image 14330054057).

On July 25, 2014, the Committee filed an Amended 2014 April Quarterly Report (Image 14942378399). The report disclosed data entry corrections that resolved \$3,900.00 of the originally cited apparently excessive contributions.

On July 29 and December 10, 2014, the Committee filed Amended 2014 April Quarterly Reports (Images 14942380791 and 14953206467, respectively). The reports disclosed no additional changes to the apparently excessive contributions.

On January 7, 2015, the Committee filed a Miscellaneous Paper Document ("Form 99") outlining the corrective action taken regarding excessive contributions from two (2) individuals (Image 15031372715). The Form 99 disclosed refunds totaling \$4,400.00 to these individuals that were made outside the permissible timeframe (Attachment 2).²

2014 12 Day Pre-Primary Report

During the 2014 12 Day Pre-Primary reporting period, the Committee received excessive contributions totaling \$3,690.00 from three (3) individuals that were not redesignated, reattributed, or refunded within the permissible timeframe (Attachment 2).

On June 12, 2014, the Committee filed the 2014 12 Day Pre-Primary Report covering the period from April 1, 2014 through June 4, 2014 (Image 14941315734). This report disclosed apparently excessive contributions totaling \$10,840.00 from nine (9) individuals and a \$2,600.00 contribution from one (1) individual with a foreign address.

On June 27, 2014, an RFAI was sent to the Committee referencing the 2014 12 Day Pre-Primary Report. Among other issues, the RFAI noted the Committee's receipt

² The refunds were issued during the 2015 April Quarterly reporting period.

of excessive and potentially prohibited contributions and requested that the Committee take corrective action (Image 14330054300).

On July 28, August 1 and December 10, 2014 the Committee filed Amended 2014 12 Day Pre-Primary Reports (Images 14942379168, 14942399145, and 14953206582 respectively). The August 1, 2014 report disclosed data entry corrections that resolved \$7,150.00 of the originally cited apparently excessive contributions.

On December 10, 2014, the Committee filed a Form 99 stating that the U.S. citizenship of the contributor with a foreign address had been confirmed (Image 15031372719).

B. Failure to Refund or Redesignate General Election Contributions within the Permissible Timeframe after the Candidate's Primary Election Loss

2014 April Quarterly Report

On April 15, 2014, the Committee filed the 2014 April Quarterly Report covering the period from January 1, 2014 through March 31, 2014 (Image 14960749102). This report disclosed the receipt of \$10,400.00 in 2014 General Election contributions from four (4) individuals.

On July 25 and 29, 2014, the Committee filed Amended 2014 April Quarterly Reports (Images 14942378399 and 14942380791, respectively). These reports disclosed the receipt of \$15,900.00 in General Election contributions from seven (7) individuals.

On December 10, 2014, the Committee filed an Amended 2014 April Quarterly Report (Image 14953206467). This report disclosed the receipt of \$11,600.00 in General Election contributions from five (5) individuals (Attachment 3).

2014 12 Day Pre-Primary Report

On June 12, 2014, the Committee filed the 2014 12 Day Pre-Primary Report covering the period from April 1, 2014 through June 4, 2014 (Image 14941315734). This report disclosed the receipt of \$5,200.00 in 2014 General Election contributions from two (2) individuals.

On July 28 and August 1, 2014, the Committee filed Amended 2014 12 Day Pre-Primary Reports (Images 14942379168 and 14942399145, respectively). These reports disclosed the receipt of \$12,350.00 in 2014 General Election contributions from nine (9) individuals.

On October 8, 2014, an RFAI was sent to the Committee referencing the 2014 July Quarterly Report. Among other items, the RFAI noted the Committee's receipt of General Election contributions throughout the 2014 election cycle and requested that the Committee refund the contributions since the Candidate would not participate in the General Election (Image 14330062156).

On November 19, 2014, the Committee filed a Form 99 outlining the refunds of 2014 General Election contributions, including those received during the 2014 April Quarterly and 12 Day Pre-Primary reporting periods from three (3) individuals, totaling \$2,250.00. The Form 99 stated, in part:

"Senator Espaillat (Candidate) and Espaillat for Congress (the Campaign) are making good faith efforts to raise funds towards the retirement of debt with priority being given to refund of contributions received towards the general election for which the Candidate did not participate. ... The Campaign will continue good faith efforts to raise funds with priority to remaining refunds due to general election contributors" (Image 14031341124).

Between July 28, 2014 and December 10, 2014, the RAD Analyst spoke with the Committee several times by phone regarding the excessive contributions and General Election contributions received during the 2013-2014 election cycle that needed to be remedied. The Analyst indicated the issue of impermissible contributions that were not refunded or were refunded late would be referred for further Commission action. The Analyst encouraged the Committee to take additional corrective action and provide an explanation for the public record (Attachment 4).

On December 10, 2014, the Committee filed an Amended 2014 12 Day Pre-Primary Report (Image 14953206582). This report disclosed the receipt of \$10,950.00 in 2014 General Election contributions from seven (7) individuals (Attachment 3).

On January 15, 2015, the Committee filed the 2014 Year-End Report covering the period from October 1, 2014 through December 31, 2014 (Image 15970017269). Schedule D of the report disclosed debts owed to the remaining 2014 General Election contributors, including the contributions received during the 2014 April Quarterly and 12 Day Pre-Primary reporting periods (Attachment 3).

To date, no further communications have been received from the Committee regarding these matters.

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Page 2 of 3 Attachment 1

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						\$434,315	\$424,357				

Espaillat for Congress (C00518365)

Excessive 2014 Primary Election Contributions Not Refunded and/or Refunded Outside of Permissible Timeframes, Listed by Report

2014 April Quarterly Report (1/1/14 - 3/31/14)

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Contributor Name	Date	Amount	Excessive Amount Received During Reporting Period & Not Refunded Within Timeframe	Refunded Outside of Timeframe	Refunded # Days Since Receipt
Fuertes, Rodolfo	11/2/13	\$1,500.00			
Fuertes, Rodolfo	£1/6/6	\$1,000.00	,		
Fuertes, Rodolfo	3/31/14	\$2,600.00	\$2,500.00	\$2,500.00	282*
Gagliardi, Paul	12/31/13	\$2,500.00			
Gagliardi, Paul	3/31/14	\$2,000.00	\$1,900.00	\$1,900.00	282*
Kabessa, Avik	6/30/13	\$1,500.00			
Kabessa, Avik	£1/0£/6	\$1,000.00			
Kabessa, Avik	2/21/14	\$1,000.00			
Kabessa, Avik	3/8/14	\$1,000.00			
Kabessa, Avik	3/31/14	\$600.00			
Kabessa, Avik	3/31/14	\$2,600.00	\$5,100.00	N/A	N/A
Levy Nelson, Anita	3/30/14	\$2,600.00			
Levy Nelson, Anita	3/30/14	\$2,600.00	\$2,600.00	N/A	N/A
Total Amount Not Refunded and/or Refunded Outside Permissible Timeframe:	nd/or Refunded	Outside Permis	sible Timeframe:		\$12,100.00
40 L. J. J. J. J. T	D	" " " " " " " " " " " " " " " " " " "			

^{*}Refunds disclosed on Form 99, received 17715; will be reflected on the 2015 April Quarterly Report.

2014 12 Day Pre-Primary Report (4/1/14 – 6/4/14)

Contributor Name	Date	Amount	Excessive Amount Received During Reporting Period & Not Refunded Within Timeframe	Refunded Outside of Timeframe	Refunded # Days Since Receipt
Beach, Dennie	3/13/14	\$250.00			
Beach, Dennie	3/29/14	\$1,000.00			
Beach, Dennie	3/30/14	\$500.00			
Beach, Dennie	3/31/14	\$250.00			,
Beach, Dennie	4/28/14	\$250.00			
Beach, Dennie	6/4/14	\$940.00	\$590.00	N/A	N/A
Gooliardi Danl	12/31/13	62 500 00			
Gagliardi, Paul	3/31/14	\$2,000.00			
Gagliardi, Paul	6/3/14	\$600.00	\$600.00	N/A	N/A
Zaleski, Michel	6/27/13	\$2,500.00			
Zaleski, Michel	5/16/14	\$2,600.00	\$2,500.00	Y/N	N/A
Total Amount Not Refunded and/or Re	nd/or Refunded	Outside Permis	funded Outside Permissible Timeframe:		83,690.00

Total Amount Remedied Outside Permissible Timeframe (all reports):

\$15,790.00

Espaillat for Congress (C00518365)

Excessive 2014 Primary Election Contributions Not Refunded and/or Refunded Outside of Permissible Timeframes, Listed by Contributor

Contributor Name	Date	Amount	Excessive Amount Received During Reporting Period & Not Refunded Within Timeframe	Refunded Outside of Timeframe	Refunded # Days Since Receipt
Beach, Dennie	3/13/14	\$250.00			
Beach, Dennie	3/29/14	\$1,000.00			
Beach, Dennie	3/30/14	\$500.00		•	
Beach, Dennie	3/31/14	\$250.00			
Beach, Dennie	4/28/14	\$250.00			
Beach, Dennie	6/4/14	\$940.00	\$590.00	N/A	N/A
Fuertes, Rodolfo	7/27/13	\$1,500.00			•
Fuertes, Rodolfo	9/9/13	\$1,000.00			
Fuertes, Rodolfo	3/31/14	\$2,600.00	\$2,500.00	\$2,500.00	282*
Gagliardi, Paul	12/31/13	\$2,500.00			-
Gagliardi, Paul	3/31/14	\$2,000.00			-
Gagliardi, Paul	6/3/14	\$600.00	\$2,500.00	\$1,900.00	282*
Kabessa, Avik	6/30/13	\$1,500.00			
Kabessa, Avik	9/30/13	\$1,000.00			
Kabessa, Avik	2/21/14	\$1,000.00			
Kabessa, Avik	3/8/14	\$1,000.00			
Kabessa, Avik	3/31/14	\$600.00			
Kabessa, Avik	3/31/14	\$2,600.00	\$5,100.00	N/A	N/A

					1
evy Nelson, Anita	3/30/14	\$2,600.00			
evy Nelson, Anita	3/30/14	\$2,600.00	\$2,600.00	N/A	N/A
Zaleski, Michel	6/27/13	\$2,500.00			
Zaleski, Michel	5/16/14	\$2,600.00	\$2,500.00	N/A	N/A
Fotal Amount Not Refunded/Redesign	/Redesignat	ed within Per	nated within Permissible Timeframe (all reports):		\$15,790.00

^{*} Refunds disclosed on Form 99, received 1/7/15; will be reflected on the 2015 April Quarterly Report.

Total Amount Unremedied (all reports):

Total Amount Not Remedied Within Timeframe (all reports):

\$4,400.00

\$11,390.00

Espaillat for Congress (C00518365)
2014 General Election Contributions Not Refunded/Redesignated, Listed by Report

Contributor Name	Date	Amount	Amount Not Refunded Within Timeframe	Refunded Outside of Timeframe	Refunded # Days After 6/24/14 Primary
	2	014 April Qu	2014 April Quarterly Report		
Amanollahi, Sm-Ali	3/31/14	\$2,600.00	\$2,600.00	N/A	N/A
Boykin Curry, Ravenel IV	2/21/14	\$2,600.00	\$2,600.00	N/A	N/A
Kemble, Cecilia	3/3/14	\$2,600.00	\$2,600.00	N/A	N/A
Moronta, Cirilo	2/3/14	\$1,400.00	\$1,400.00	\$1,400.00	142
Oleaga, Dario A	3/14/14	\$2,400.00	\$2,400.00	N/A	N/A
Subtotal:					\$11,600.00
	201	4 12 Day Pre-	2014 12 Day Pre-Primary Report		
Beach, Dennie	6/4/14	\$350.00	\$350.00	\$350.00	142
Cardenas, Angel	6/4/14	\$100.00	\$100.00	N/A	N/A
Friedman, William S	5/12/14	\$500.00	\$500.00	\$500.00	142
Gagliardi, Paul	6/3/14	\$2,600.00	\$2,600.00	N/A	N/A
Rechnitz, Jona S	5/29/14	\$2,400.00	\$2,400.00	N/A	N/A
Spitzer, Bernard	5/13/14	\$2,600.00	\$2,600.00	N/A	N/A
Spitzer, Eliot	6/4/14	\$2,400.00	\$2,400.00	N/A	N/A
Subtotal:			÷		\$10,950.00
Total Amount Not Refunc	led/Redesignat	ed within Per	ded/Redesignated within Permissible Timeframe (all reports):	(all reports):	\$22,550.00

Espaillat for Congress (C00518365)
2014 General Election Contributions Not Refunded/Redesignated, Listed by Contributor

Contributor Name	Date	Amount	Amount Not Refunded Within Timeframe	Refunded Outside of Timeframe	Refunded # Days After 6/24/14 Primary
Amanollahi, Sm-Ali	3/31/14	\$2,600.00	\$2,600.00	N/A	N/A
Beach, Dennie	6/4/14	\$350.00	\$350.00	\$350.00	142
Boykin Curry, Ravenel IV	2/21/14	\$2,600.00	\$2,600.00	N/A	N/A
Cardenas, Angel	6/4/14	\$100.00	\$100.00	N/A	N/A
Friedman, William S	5/12/14	\$500.00	\$500.00	\$500.00	142
Gagliardi, Paul	6/3/14	\$2,600.00	\$2,600.00	N/A	N/A
Kemble, Cecilia	3/3/14	\$2,600.00	\$2,600.00	N/A	N/A
Moronta, Cirilo	2/3/14	\$1,400.00	\$1,400.00	\$1,400.00	142
Oleaga, Dario A	3/14/14	\$2,400.00	\$2,400.00	N/A	N/A
Rechnitz, Jona S	5/29/14	\$2,400.00	\$2,400.00	N/A	N/A
Spitzer, Bernard	5/13/14	\$2,600.00	\$2,600.00	N/A	N/A
Spitzer, Eliot	6/4/14	\$2,400.00	\$2,400.00	N/A	N/A
Total Amount Not Refunded/Red		iin Permissibl	esignated within Permissible Timeframe (all reports):	orts):	\$22,550.00

fotal Amount Unremedied (all reports)	3):		\$20,300.00	

Total Amount Not Remedied Within Timeframe (all reports):

Attachment 3